

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VINCENT MORROW FRIEMEL, #103498,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:21-cv-238-JDK-JDL
	§	
HOLLY DREWETT, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Vincent Morrow Friemel, an inmate of the Gregg County Jail proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 24, 2021, the Magistrate Judge issued a Report recommending that the case be dismissed with prejudice for failure to state a claim for which relief can be granted. Docket No. 15. A copy of this Report was sent to Plaintiff, who has filed written objections. Docket No. 20.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

A party objecting to a Magistrate Judge’s Report must specifically identify those findings to which he objects. Frivolous, conclusory, or general objections need not be considered by the

District Judge. *See Nettles v. Wainright*, 677 F.2d 404, 410 & n.8 (5th Cir. 1982) (en banc). Furthermore, objections that simply rehash or mirror the underlying claims addressed in the Report are not sufficient to entitle the party to *de novo* review. *See U.S. v. Morales*, 947 F.Supp.2d 166, 171 (D.P.R. 2013) (“Even though timely objections to a report and recommendation entitle the objecting party to *de novo* review of the findings, ‘the district court should be spared the chore of traversing ground already plowed by the Magistrate.’”) (internal citations omitted); *see also Vega v. Artuz*, 2002 WL 31174466 *1 (S.D.N.Y. Sep. 2002) (unpublished) (“However, objections that are merely perfunctory responses argued in an attempt to engage the district court in a rehashing of the same arguments set forth in the original petition will not suffice to invoke *de novo* review of the magistrate judge’s recommendations.”).


In his objections, Plaintiff merely reargues his underlying claim about misdeeds by a private citizen and the loss of some property, without identifying any specific error in the Report. Docket No. 20. The Court notes, moreover, that the Magistrate Judge correctly addressed Plaintiff’s claim and found that Plaintiff failed to state a cause of action.

The Court has conducted a careful *de novo* review of the record and the Magistrate Judge’s proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Plaintiff’s objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge (Docket No. 15) is **ADOPTED** as the opinion of the Court. Plaintiff’s objections (Docket No. 20) are **OVERRULED**. Further, it is

ORDERED that this case is **DISMISSED** with prejudice for the failure to state a claim upon which relief may be granted. Any pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **12th** day of **October, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE